

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Robert E. Myers, Esquire, Coffey Kaye Myers & Olley
Two Bala Plaza, Suite 718, Bala Cynwyd, PA 19004

Attorneys (If Known)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

[Click here for: Nature of Suit Code Descriptions.](#)

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act				
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury -	<input type="checkbox"/> of Property 21 USC 881	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 376 Qui Tam (31 USC				
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product	<input type="checkbox"/> Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 3729(a))				
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel &	<input type="checkbox"/> 367 Health Care/		INTELLECTUAL		<input type="checkbox"/> 400 State Reapportionment			
<input type="checkbox"/> 150 Recovery of Overpayment	<input type="checkbox"/> Slander	<input type="checkbox"/> Pharmaceutical		PROPERTY RIGHTS		<input type="checkbox"/> 410 Antitrust			
<input type="checkbox"/> & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers'	<input type="checkbox"/> Personal Injury		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking				
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> Liability	<input type="checkbox"/> Product Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce				
<input type="checkbox"/> 152 Recovery of Defaulted	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal		<input type="checkbox"/> 835 Patent - Abbreviated	<input type="checkbox"/> 460 Deportation				
<input type="checkbox"/> Student Loans	<input type="checkbox"/> 345 Marine Product	<input type="checkbox"/> Injury Product		<input type="checkbox"/> New Drug Application	<input type="checkbox"/> 470 Racketeer Influenced and				
<input type="checkbox"/> (Excludes Veterans)	<input type="checkbox"/> Liability	<input type="checkbox"/> Liability		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> Corrupt Organizations				
<input type="checkbox"/> 153 Recovery of Overpayment	<input type="checkbox"/> 350 Motor Vehicle	PERSONAL PROPERTY	LABOR	<input type="checkbox"/> 880 Defend Trade Secrets	<input type="checkbox"/> 480 Consumer Credit				
<input type="checkbox"/> of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 710 Fair Labor Standards	<input type="checkbox"/> Act of 2016	<input type="checkbox"/> (15 USC 1681 or 1692)				
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> Act	SOCIAL SECURITY					
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal	<input type="checkbox"/> 380 Other Personal	<input type="checkbox"/> 720 Labor/Management	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> Protection Act				
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> Injury	<input type="checkbox"/> Property Damage	<input type="checkbox"/> Relations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV				
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury -	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/				
	<input type="checkbox"/> Medical Malpractice	<input type="checkbox"/> Product Liability	<input type="checkbox"/> 751 Family and Medical	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> Exchange				
			<input type="checkbox"/> Leave Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions				
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 790 Other Labor Litigation		<input type="checkbox"/> 891 Agricultural Acts				
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 791 Employee Retirement	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters				
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff	<input type="checkbox"/> 895 Freedom of Information				
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate		<input type="checkbox"/> or Defendant)	<input type="checkbox"/> Act				
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/	<input type="checkbox"/> Sentence	IMMIGRATION	<input type="checkbox"/> 871 IRS—Third Party	<input type="checkbox"/> 896 Arbitration				
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> 899 Administrative Procedure				
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 445 Amer. w/Disabilities -	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 465 Other Immigration		<input type="checkbox"/> Act/Review or Appeal of				
	<input type="checkbox"/> Employment	Other:	<input type="checkbox"/> Actions		<input type="checkbox"/> Agency Decision				
	<input type="checkbox"/> 446 Amer. w/Disabilities -	<input type="checkbox"/> 540 Mandamus & Other			<input type="checkbox"/> 950 Constitutionality of				
	<input type="checkbox"/> Other	<input type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> State Statutes				
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 555 Prison Condition							
		<input type="checkbox"/> 560 Civil Detainee -							
		<input type="checkbox"/> Conditions of							
		<input type="checkbox"/> Confinement							

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (*Do not cite jurisdictional statutes unless diversity*):
41 U.S.C. § 51 et seq.

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
Excess of \$150,000.00

JURY DEMAND: ☒ Yes ☐ No

(See instructions):

JUDGE

DOCKET NUMBER

DATE 07/19/2022

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KARIESE RIVERA
110 S. 14th Street, 2nd Floor
Newark, NJ 07107

Plaintiff

CIVIL ACTION NO.:

JURY TRIAL DEMANDED

vs.

**NEW JERSEY TRANSIT RAIL
OPERATIONS, INC.**
One Penn Plaza East
Newark, NJ 07105

Defendant

CIVIL ACTION COMPLAINT

1. The plaintiff herein is Kariesa Rivera, a citizen and resident of the State of New Jersey, residing therein at 110 S. 14th Street, 2nd Floor, Newark, NJ 07107.

2. The defendant is a corporation duly organized and existing under and by virtue of the laws of the State of New Jersey.

3. This action arises under the Act of Congress, April 22, 1908, c. 149, 35 Stat. 65, and amendments thereto, U.S.C.A. Title 45, §51 et seq., and further amended by the Act of Congress, approved by the President of the United States on August 11, 1939, Chapter 685- First Session of the 76th Congress, known and cited as "The Federal Employers' Liability Act" and under "The Federal Safety Appliances Act," Title 49, U.S.C.A., §20301, et seq. as well as the regulations promulgated pursuant to the Federal Railroad Administration (FRA) and the Occupational Safety and Health Administration (OSHA).

4. At the time and place hereinafter mentioned and for a long time prior thereto, the defendant as a common carrier, operated trains carrying passengers, freight, express packages, baggage and foreign and domestic mail, in commerce, between the different states of the United States and its territories.

5. At the time and place hereinafter mentioned, the acts of omission and commission, causing the injuries to the plaintiff, were done by the defendant, its agents, servants, workmen and/or employees, acting in the course and scope of their employment with and under the control of the defendant.

6. At the time and place hereinafter mentioned, the plaintiff and the defendant were engaged in interstate commerce between the different states of the United States and its territories.

7. All of the property, equipment and operations involved in the incident herein referred to were owned by and under the control of the defendant, its agents, servants, workmen and/or employees.

8. As a result of the incident herein referred to, plaintiff has suffered a loss and impairment of earnings and earning power and will suffer the same for an indefinite time in the future; has undergone great physical pain and mental anguish and will undergo the same for an indefinite time in the future; has been obliged to and will have to continue to expend large sums of money in the future in an effort to effect a cure of her injuries; has been unable to attend to her usual duties and occupation and will be unable to attend to the same for an indefinite time in the future, all to her great detriment and loss.

9. The incident herein referred to was caused solely and exclusively by the negligence of the defendant, its agents, servants, workmen and/or employees, and was due in no manner

whatsoever to any act or failure to act on the part of the plaintiff.

10. On or about August 6, 2018, and for some time prior thereto, plaintiff was working as a conductor and employed by defendant New Jersey Transit Rail Operations, Inc.

11. On or about May 20, 2021, at approximately 12:00 p.m., plaintiff was employed by defendant, New Jersey Transit Rail Operations, Inc. (NJTRO) as a passenger conductor.

12. On the aforementioned date, and at the aforementioned time, plaintiff was located on a train departing the Rahway station in route to the Long Branch station.

13. On the aforementioned date, and at the aforementioned time, during the course of plaintiff's employment, it was necessary for plaintiff to lift a bar that separated the rail cars.

14. On the aforementioned date, and at the aforementioned time, when plaintiff touched the metal bar, she received an electrical shock to her right hand and immediately felt tingling spread from the fingers of her right hand, up through the top of her right arm and her right shoulder.

15. A couple of days later, in addition to the problems with her right upper extremity, plaintiff experienced pain in her right leg, from her hip to her ankle, and her right leg and foot then became numb.

16. The aforementioned accident was caused by the negligence and carelessness of the defendant, its agents, servants, workmen and/or employees, and was not due to any conduct on the part of the plaintiff.

17. The negligence of the defendant consisted of, but is not limited to, failure to provide plaintiff with a safe place to work; failure to properly maintain and repair equipment so that employees using it were not electrocuted; and failing to warn plaintiff that touching the metal bar involved in this incident would result in an electrical shock and electrocution.

18. As a result of the aforesaid accident, plaintiff sustained electrocution; sprain of the palmar radiocarpal ligament; tenosynovitis of the 2nd, 3rd, and 4th extensor compartment tendons at the level of Lister's tubercle; injuries to the right upper extremity; injuries to the right lower extremity; neuropathy; and non-fatal effects of electric current. Some or all of the above injuries are or may be permanent in nature and plaintiff may require surgical repair. The full extent of plaintiff's injuries is not presently known.

WHEREFORE, plaintiff claims of the defendant, a sum in excess of One Hundred Fifty Thousand (\$150,000.00) Dollars.

COFFEY KAYE MYERS & OLLEY

By: /s/ Robert E. Myers
ROBERT E. MYERS
Attorneys for Plaintiff
Suite 718, Two Bala Plaza
Bala Cynwyd, PA 19004
(610) 668-9800 – phone
(610) 667-3352 – fax

